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JAMES BONINI  
CLERK

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

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U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WEST DIV CINCINNATI

DENNIS ALLEN, MARY JANE  
CRACRAFT, LELAN LITTRELL and  
GLASS, MOLDERS, POTTERY, PLASTIC  
AND ALLIED INDUSTRIAL WORKERS,  
LOCAL NO. 41, AFL-CIO,

Plaintiffs,

vs.

LEONARD D. KRISTAL, and JOHN L.  
CRARY,

Defendants.

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JOHN L. CRARY,

Cross-Claimant,

vs.

LEONARD D. KRISTAL,

Cross-Defendant.

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JOHN L. CRARY,

Third-Party Plaintiff,

vs.

POLLY JONES, SHIRLEY MONROE,  
JAMES THELAN,

Third-Party Defendants

Case No: C-1-01-159

Judge Herman J. Weber  
Magistrate Judge Timothy S. Hogan

DECLARATION OF JENNIFER CHEN IN  
SUPPORT OF DEFENDANT JOHN L.  
CRARY'S OPPOSITION TO THIRD-  
PARTY DEFENDANT POLLY JONES'  
MOTION FOR SUMMARY JUDGMENT

1 I, Jennifer Chen, declare as follows:

2 1. I am an attorney duly licensed to practice before all courts of the State of California,  
3 the Federal District Court for the Northern District of California, the Federal Court of Appeals for  
4 the Ninth Circuit, and have been admitted *Pro Hac Vice* in this matter.

5 2. I am an attorney practicing with The Corporate Law Group, co-counsel of record for  
6 defendant, cross-claimant and third-party plaintiff John L. Crary in this matter.

7 3. I submit this declaration in support of John L. Crary's Opposition to Third-Party  
8 Defendant Polly Jones' Motion for Summary Judgment. The matters stated herein are known to  
9 me personally, and if called and sworn as a witness I could competently testify thereto. As to  
10 those matters stated herein on information and belief, I have been informed and believe the same  
11 to be true and upon that basis declare them to be true.

12 4. Attached hereto as Exhibit A is a true and correct copy of pages 6 and 45 of The  
13 Lassen Companies, Inc. ("Lassen") All Benefits Book.

14 5. Attached hereto as Exhibit B is a true and correct copy of Great-West online health  
15 plan order form.

16 6. Attached hereto as Exhibit C is a true and correct copy of page 8 of the deposition  
17 transcript for the deposition of Polly Jones conducted on January 22, 2003 ("Jones' Deposition  
18 Transcript").

19 7. Attached hereto as Exhibit D is a true and correct copy of page 9 of the deposition  
20 transcript for the deposition of Randy Pickering conducted on January 23, 2003 ("Pickering's  
21 Deposition Transcript").

22 8. Attached hereto as Exhibit E is a facsimile dated June 23, 1999 from Polly Jones  
23 ("Jones") to Leonard D. Kristal ("Kristal").

24 9. Attached hereto as Exhibit F is a true and correct copy of a letter from Pickering  
25 Insurance Services to Kristal.

26 10. Attached hereto as Exhibit G is a true and correct copy of Group Commission  
27 Agreement between Great-West and Pickering Insurance Service, a one page fax letter from Jones

1 to Kristal dated August 10, 1999, and two pages commission split statement to Grant Bening.

2 11. Attached hereto as Exhibit H is a true and correct copy of Jones' proposed  
3 amendment to Lassen health plan that Jones faxed to Kristal on March 17, 2000.

4 12. Attached hereto as Exhibit I is a true and correct copy of Jones' email to Great-West  
5 dated June 23, 1999.

6 13. Attached hereto as Exhibit J is a true and correct copy of Lassen claim account's  
7 check transfer detail and banking information that Jones faxed to Kritical on June 3, 1999.

8 14. Attached hereto as Exhibit K is a true and correct copy of an email from Jones to  
9 Roxanne Cueva.

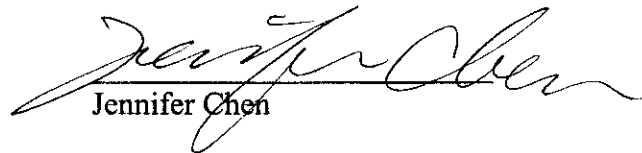
10 15. Attached hereto as Exhibit L is a true and correct copy of page 70 of Jones'  
11 Deposition Transcript.

12 16. Attached hereto as Exhibit M is a true and correct copy of Exhibit No. 47 to Jones'  
13 Deposition Transcript.

14 17. Attached hereto as Exhibit N is a true and correct copy of Exhibit No. 66 to Jones'  
15 Deposition Transcript.

16 18. Attached hereto as Exhibit O is a true and correct copy of Exhibit No. 74 to Jones'  
17 Deposition Transcript.

18 I declare under penalty of perjury under the Laws of the United States of America that the  
19 foregoing is true and correct, and that this declaration was executed on November 25, 2003 at  
20 Burlingame, California.

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22  
23  
24   
Jennifer Chen